

MINUTES

MONTANA SENATE 61st LEGISLATURE - REGULAR SESSION

COMMITTEE ON NATURAL RESOURCES

Call to Order: Chairman Kelly Gebhardt, on January 28, 2009 at 2:30 P.M., in Room 422 Capitol.

ROLL CALL

Members Present:

Sen. Kelly Gebhardt, Chairman (R)
Sen. Debby Barrett, Vice Chairman (R)
Sen. Aubyn Curtiss (R)
Sen. Ken (Kim) Hansen (D)
Sen. Jim Keane (D)
Sen. Gary L. Perry (R)
Sen. Jim Peterson (R)
Sen. Mitch Tropila (D)
Sen. David E. Wanzonried (D)

Members Excused:

Sen. Christine Kaufmann (D)
Sen. Donald J. Steinbeisser (R)

Members Absent: None.

Staff Present: Lindsey Hern, Committee Secretary
Sonja Nowakowski, Legislative Branch

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted: SB 120, 1/19/2009; SB 147,
1/19/2009; SB 149, 1/19/2009; SB
200, 1/19/2009

Executive Action: SB 71, SB 62

Sen. Steinbeisser came in after roll call.

EXECUTIVE ACTION ON SB 71

00:01:14 Chairman Gebhardt

00:01:55 **Motion:** Sen. Barrett moved that **SB 71 DO PASS.**

00:02:04 **Motion:** Sen. Gebhardt moved that **SB 71 BE AMENDED.**
EXHIBIT(nas20a01)

Discussion:

00:02:15 Sen. Gebhardt

00:03:09 Sen. Wanzenried

00:03:52 Sen. Tropila

00:04:17 Sen. Wanzenried

00:04:52 **Vote:** Motion that **SB 71 BE AMENDED** passed 8-3 by voice vote with Sen. Kaufmann, Sen. Hansen, and Sen. Wanzenried voting no. Sen. Kaufmann voted by proxy.

00:05:42 **Motion/Vote:** Sen. Gebhardt moved **SB 71 DO PASS AS AMENDED.** Motion carried 8-3 by voice vote with Sen. Hansen, Sen. Kaufmann, and Sen. Wanzenried voting no.

EXECUTIVE ACTION ON SB 62

00:06:33 **Motion:** Sen. Perry moved that **SB 62 DO PASS.**

00:06:38 **Motion:** Sen. Gebhardt moved that **SB 62 BE AMENDED.**
EXHIBIT(nas20a02)

Discussion:

00:07:48 Sen. Tropila

00:08:44 **Vote:** Motion that **SB 62 BE AMENDED** carried 9-1 by voice vote with Sen. Wanzenried voting no. Sen. Kaufmann was excused.

00:09:24 **Motion:** Sen. Perry moved **SB 62 AS AMENDED.**

Discussion:

00:09:37 Sen. Perry

00:09:38 Chairman Gebhardt

00:10:04 Sen. Peterson

00:10:17 Sen. Tropila

00:11:13 Chairman Gebhardt

00:11:26 Sen. Wanzenried

00:11:46 Sen. Tropila
00:12:42 Sen. Barrett
00:12:55 Chairman Gebhardt
00:13:07 Sen. Barrett
00:13:14 Sen. Tropila
00:13:25 Sen. Peterson

00:13:38 **Vote:** Motion that **SB 62 DO PASS AS AMENDED** carried 8-3 by voice vote with Sen. Kaufmann, Sen. Tropila, and Sen. Wanzenried voting no. Sen. Kaufmann voted by proxy.

Discussion of SB 95:

00:14:22 Sen. Wanzenried
00:16:20 George Mathieus, Department of Environmental Equality (DEQ)
00:17:54 Sen. Wanzenried
00:18:15 Tim Burton, City Manager, Helena
00:24:42 Sen. Barrett
00:25:25 Chairman Gebhardt

Sen. Kaufmann came into the committee.

HEARING ON SB 200

Opening Statement by Sponsor:

00:31:24 Sen. Ron Erickson (D), SD 47, opened the hearing on SB 200, Restrict phosphorous cleaning products in certain areas.

[EXHIBIT\(nas20a03\)](#)

Proponents' Testimony:

00:36:41 Jim Carlson, Environmental Health, Missoula Health Department

[EXHIBIT\(nas20a04\)](#)

[EXHIBIT\(nas20a05\)](#)

[EXHIBIT\(nas20a06\)](#)

[EXHIBIT\(nas20a07\)](#)

[EXHIBIT\(nas20a08\)](#)

[EXHIBIT\(nas20a09\)](#)

00:40:53 Sen. John Brueggeman, SD 6, Polson
00:41:41 William McDowell, Tristate Water Basin
00:46:15 Mr. Burton, City Manager, Helena
00:46:40 Linda Gryczan, Women's Voices From The Earth
00:47:41 Peter Nielsen, Missoula Water District

[EXHIBIT\(nas20a10\)](#)

00:48:39 Mr. Mathieus, DEQ
00:50:30 Mark Aagenes, Montana Trout Unlimited
00:51:49 Brianna Randall, Clark Fork Coalition
[EXHIBIT \(nas20a11\)](#)

00:52:41 Casey Perkins, Montana Audubon

Opponents' Testimony:

None

Informational Testimony:

None

Questions from Committee Members and Responses:

00:53:22 Sen. Perry
00:54:04 Mr. Mathieus, DEQ
00:54:36 Sen. Keane
00:55:01 Sen. Erickson
00:55:42 Sen. Keane
00:56:14 Mr. Mathieus, DEQ
00:57:17 Sen. Keane
00:57:26 Mr. Mathieus, DEQ
00:57:45 Sen. Keane
00:57:53 Mr. Mathieus, DEQ
00:58:31 Sen. Kaufmann
00:59:15 Sen. Erickson
00:59:39 Sen. Barrett
01:00:10 Sen. Erickson
01:00:32 Sen. Perry
01:00:53 Sen. Erickson
01:01:37 Sen. Perry
01:01:42 Sen. Erickson
01:02:04 Mr. Mathieus, DEQ
01:02:53 Sen. Perry
01:03:16 Sen. Erickson
01:03:28 Sen. Curtis
01:03:57 Sen. Erickson
01:04:52 Sen. Curtiss
01:05:19 Chairman Gebhardt
01:05:53 Sen. Keane
01:06:18 Mr. Mathieus, DEQ
01:06:31 Sen. Keane
01:06:49 Mr. Mathieus

Closing by Sponsor:

01:07:19 Sen. Erickson
01:08:04 Chairman Gebhardt

Additional Exhibit for SB 200

EXHIBIT(nas20a12)

HEARING ON SB 120

Opening Statement by Sponsor:

01:09:21 Sen. Ryan Zinke (R), SD 2, opened the hearing on SB
120, Revise the controlled groundwater area petition
laws.

Proponents' Testimony:

01:14:18 John Tubbs, Administrator, Water Division, Department
of Natural Resources and Conservation (DNRC)

EXHIBIT(nas20a13)

EXHIBIT(nas20a14)

EXHIBIT(nas20a15)

01:16:04 Abigail St. Lawrence, Montana Association of Realtors
(MAR) and Montana Building Association

EXHIBIT(nas20a16)

01:18:51 Kathy Moore, Administrator, Lewis and Clark County
Water District

EXHIBIT(nas20a17)

EXHIBIT(nas20a18)

01:21:13 Peter Nielsen, Missoula Water District

01:22:45 Tim Davis, Montana Smart Growth Coalition

01:24:19 Ronda Wiggers, Montana Water Drillers Association
(MWDA)

01:26:42 Krista Lee Evans, Association of Gallatin Agricultural
Irrigators (AGAI)

01:28:01 Mike Murphy, Montana Water Resources Association (MWRA)

Opponents' Testimony:

01:32:41 Mark Fix, Farmer and Irrigator

EXHIBIT(nas20a19)

01:35:26 Sen. Steinbeisser came to committee.

01:36:18 Brenda Lindelief-Hall, Tongue River Water Users
Association

Informational Testimony:

None

Questions from Committee Members and Responses:

01:40:01 Sen. Barrett
01:40:17 Mr. Tubbs, DNRC
01:41:35 Sen. Kaufmann
01:42:21 Ms. Moore, Lewis and Clark County Water District
01:43:11 Sen. Kaufmann
01:44:18 Ms. Moore, Lewis and Clark County Water District
01:44:27 Sen. Kaufmann
01:45:03 Mr. Tubbs, DNRC
01:46:13 Sen. Kaufmann

Closing by Sponsor:

01:46:40 Sen. Zinke
01:49:06 Sen. Barrett

HEARING ON SB 149

Opening Statement by Sponsor:

01:51:33 Sen. John Brueggeman (R), SD 6, opened the hearing on SB 149, Change of use for municipal or county water and sewer districts.

[EXHIBIT\(nas20a20\)](#)

Proponents' Testimony:

01:53:12 Mr. Tubbs, DNRC
01:56:40 Alec Hansen, Montana League of Cities and Towns (MLCT)
01:58:11 Don MacIntyre, Mountain Water Company of Missoula

[EXHIBIT\(nas20a21\)](#)

02:00:10 Ross Miller, Hamilton, Mountain Water Company of Missoula

[EXHIBIT\(nas20a22\)](#)

02:03:09 Mr. Nielsen, Missoula Water District

Opponents' Testimony:

02:03:56 Ms. Evans, AGAI, and Senior Water Rights Coalition (SWRC)
02:07:24 Mr. Murphy, (MWRA)

Informational Testimony:

None

Questions from Committee Members and Responses:

02:08:15 Sen. Keane
02:08:36 Ms. Evans, AGAI and SWRC
02:09:14 Sen. Keane
02:09:16 Ms. Evans
02:09:25 Ms. Kauffmann
02:09:32 Mr. Tubbs, DNRC
02:11:10 Sen. Barrett
02:12:23 Mr. Tubbs
02:12:27 Sen. Barrett
02:12:33 Mr. Tubbs
02:13:07 Sen. Barrett
02:13:44 Mr. Tubbs
02:15:58 Sen. Barrett
02:16:38 Mr. Tubbs

Closing by Sponsor:

02:18:13 Sen. Brueggeman

02:20:49 Recess

Sen. Peterson and Sen. Tropila left the committee.

HEARING ON SB 147

Opening Statement by Sponsor:

02:28:21 Sen. Bob Hawks (D), SD 33, opened the hearing on SB
147, Revise the Comprehensive Environmental Cleanup and
Responsibility Act.

Proponents' Testimony:

02:33:17 Sandi Olson, DEQ

[EXHIBIT \(nas20a23\)](#)

02:40:01 Mr. Nielsen, Missoula Water District

[EXHIBIT \(nas20a24\)](#)

[EXHIBIT \(nas20a25\)](#)

Opponents' Testimony:

02:45:51 John Fitzpatrick, Self

02:51:25 Dave Galt, Executive Director, Montana Petroleum
Association (MPA)
02:52:01 Debbie Shea, Montana Mining Association (MMA)
02:54:09 Ms. St. Lawrence, MAR
02:55:14 Don Allen, Western Environmental Trade Association
(WETA)

Informational Testimony:

None

Questions from Committee Members and Responses:

02:56:04 Sen. Wanzenried
02:56:26 Ms. Olson, DEQ
02:58:23 Sen. Wanzenried
02:58:37 Mr. Nielsen, Missoula Water District
03:00:09 Sen. Barrett
03:00:29 Ms. Olson, DEQ
03:01:15 Sen. Barrett
03:01:45 Ms. Olson, DEQ

Closing by Sponsor:

03:03:07 Sen. Hawks

Additional Exhibits:

[EXHIBIT \(nas20a26\)](#) SB 100 Heard 01/21/09

[EXHIBIT \(nas20a27\)](#) SB 102 Heard 01/26/09

ADJOURNMENT

Adjournment: 5:40 P.M.

Lindsey Hern, Secretary

lh

Additional Documents:

EXHIBIT ([nas20aad.pdf](#))